

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

YARON KWELLER,

Plaintiff,

- against -

THE COUNTY OF BROOME, THE CITY OF BINGHAMTON, THE BROOME COUNTY DISTRICT ATTORNEY'S OFFICE, DISTRICT ATTORNEY MICHAEL A. KORCHAK, CHIEF ASSISTANT DISTRICT ATTORNEY MARK LOUGHRAN, ASSISTANT DISTRICT ATTORNEY ALYSSA CONGDON, ASSISTANT DISTRICT ATTORNEY AMANDA CRONIN, DISTRICT ATTORNEY INVESTIGATOR JEFF J. WAGNER, BINGHAMTON POLICE DEPARTMENT CHIEF JOSEPH ZIKUSKI, BINGHAMTON POLICE DEPARTMENT CAPTAIN CORY MINOR, BINGHAMTON POLICE DEPARTMENT INVESTIGATOR AMANDA MILLER, all in their individual capacities, and JOHN DOES 1-10, representing Broome County District Attorney's Office and Police Department Employees Whose Names Are Currently Unknown, HAILEY DEMKOVICH, and SAMANTHA HERCEG,

Defendants.

NOTICE OF MOTION

Case No. 3:24-cv-01328-ECC-ML

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, and all prior pleadings and proceedings had herein, Defendants the City of Binghamton, Binghamton Police Department Chief Joseph Zikuski, Binghamton Police Department Captain Cory Minor, Binghamton Police Department Investigator Amanda Miller, and Unnamed Police Department John Does #1-10 (collectively "Defendants"), by and through their undersigned attorneys, Whiteman Osterman & Hanna LLP, hereby move this Court before the Honorable Elizabeth C. Coombe at the United States Courthouse and Federal Building, 100 S. Clinton Street, Syracuse,

New York, for an Order, pursuant to Fed. R. Civ. Pro. 12(b)(6), dismissing Plaintiff's Complaint in this action in its entirety and with prejudice, and for such other and further relief as the Court shall deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Fed. R. Civ. Pro. 12(a)(1)(C), and Northern District of New York Local Rule 7.1(a), unless otherwise ordered by the Court, Plaintiff must file and serve its opposition papers no more than twenty-one (21) days after service of the motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Northern District of New York Local Rule 7.1(a), Defendants' reply, if any, shall be filed and served at least seven (7) days after service of Plaintiff's opposition papers, unless otherwise agreed upon and/or directed by the Court.

Dated: December 27, 2024

WHITEMAN OSTERMAN & HANNA LLP

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